

Fresno, California

August 19, 2010

The City Council met in regular session at the hour of 8:30 a.m. in the Council Chamber, City Hall, on the day above written.

Present:	Andreas Borgeas	Councilmember
	Lee Brand	Acting Council President
	Mike Dages	Councilmember
	Henry Perea	Councilmember
	Cynthia Sterling	Councilmember
	Blong Xiong	Councilmember
	Larry Westerlund	Council President

Mark Scott, City Manager
Bruce Rudd, Assistant City Manager
Jim Sanchez, City Attorney
Rebecca Klisch, City Clerk
Yolanda Salazar, Assistant City Clerk

Reverend B.T. Lewis of Rising Star Baptist Church gave the invocation, and President Westerlund led the Pledge of Allegiance.

PRESENTATION OF "PRIME TIME FOR BUSINESS: PRIDESTAFF"

Local Business Initiatives Manager Huerta introduced PrideStaff, a personnel and staffing agency headquartered in Fresno with thirty-five branches across the U.S., recognized and introduced the key executive team in attendance, and played a video about the company. Tammi Heaton and John-Reed MacDonald gave a PowerPoint presentation entitled "PrideStaff...Foundation for Success", which consisted of Company History, The New Economy, Perception of a Temporary Employee, Who "Temps" Really Are, the PrideStaff Companies, Locations, Customers and Employees, Award Highlights, Testimonials, and How Can the City Help? PrideStaff founder and CEO George Rogers spoke briefly to issues of importance to his company and thanked the City for this opportunity.

ADD-ON: RECOGNITION OF THE CENTRAL CALIFORNIA INVITATIONAL RIB COOK-OFF EVENT THIS WEEKEND AT EATON PLAZA AND INTRODUCTION OF COMPETING CHAMPION PIT MASTERS

Recognition and introductions made.

APPROVE MINUTES OF JULY 29, 2010:

On motion of Councilmember Dages, seconded by Councilmember Sterling, duly carried, RESOLVED, the minutes of July 29, 2010, approved as submitted.

COUNCIL MEMBER REPORTS AND COMMENTS:

Councilmember Borgeas (1) thanked code enforcement and police staff for their participation at his recent community meeting wherein a gated-community was discussed; (2) questioned when previously-requested information on DPU costs for SEGA would be provided; and (3) spoke to the Armenia delegation's visit to Fresno and activities undertaken.

Councilmember Dages (1) spoke to the future construction of a school at Cedar and Butler and the need to monitor traffic conditions stating he did not want taxpayers stuck with the cost to put in a traffic signal as they were for Olmos School; and (2) stated he wanted the old FUSD maintenance yard building at Ventura and 7th that the City now owns to be demolished adding it was being held up by one city employee on a historical standpoint and the money for demolition has been allocated for a second year now.

Acting President Brand requested staff follow up on (1) a hazardous hole at the Perrin/Maple intersection adding he has received emails from constituents, and (2) missing stop signs at Teague and Chestnut Avenues.

Councilmember Sterling spoke to a letter received from a constituent addressed to the mayor about animal control going door to door checking for unlicensed dogs and the concern that the time taken for that activity could be better spent taking loose dogs off the street, with ACM Rudd stating staff has discussed that with the SPCA and advised the SPCA was taking a pro-active approach on animal control versus a reactive approach and was focusing on neighborhoods who have a high number of calls about stray dogs.

President Westerlund (1) noted schools were back in session and urged drivers to slow down and pay attention; and (2) commended public works and the project contractor on the Friant Road paving project stating it was completed ahead of schedule and was a job well done.

City Manager Scott gave a brief status report on the budget and advised staff would provide a report on August 26th which would identify targets to balance FY 2011 and beyond and added time would be needed beyond that to develop a plan. Acting President Brand requested information on solid waste privatization also be provided as it was relevant to the budget discussion.

APPROVE AGENDA:

(10:45 A.M.) HEARING TO CONSIDER PUBLIC USE AND NECESSITY FOR THE ACQUISITION OF A PERMANENT EASEMENT AND RIGHTS OF WAY FOR PUBLIC STREET PURPOSES FROM PROPERTY OWNED BY DORIS OHANNESIAN, SOLE SUCCESSOR TRUSTEE OF THE OHANNESIAN FAMILY LIVING TRUST, FOR THE PEACH AVENUE WIDENING PROJECT BETWEEN BELMONT AND KINGS CANYON ROAD
#1 RESOLUTION - DETERMINING THAT PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION AND AUTHORIZING EMINENT PROCEEDINGS FOR ACQUISITION OF PROPERTY ON PEACH AVENUE (APN 462-084-05) FOR PUBLIC STREET PURPOSES

Removed from the agenda by staff.

(11:00 A.M. #2) COUNCIL COMMUNICATIONS AND ASSIGNMENTS

Councilmember Xiong referenced his prior question to staff and upon his request City Clerk Klisch clarified the members of the Leadership Council to End Homelessness were the Council President (Westerlund), the RDA Chair (Brand), and the District 3 council representative (Sterling), which President Westerlund noted was correctly listed on the agenda.

On motion of Acting President Brand, seconded by Councilmember Xiong, duly carried, RESOLVED, the **AGENDA** hereby approved, as amended, by the following vote:

Ayes	:	Borgeas, Brand, Dages, Perea, Sterling, Xiong, Westerlund
Noes	:	None
Absent	:	None

ADOPT CONSENT CALENDAR:

Acting President Brand removed Item **1-C** and President Westerlund removed Item **1-H** from the Consent Calendar for separate discussion/action.

(1-A) AUTHORIZE THE CHIEF OF POLICE TO ENTER INTO AN AGREEMENT WITH THE CENTRAL UNIFIED SCHOOL DISTRICT TO PROVIDE ONE SCHOOL RESOURCE OFFICER AT 100% OF THE ACTUAL COST OF THE OFFICER AND THE OPERATION AND MAINTENANCE COSTS OF ONE PATROL VEHICLE, FOR A TOTAL OF \$115,993

(1-B) AUTHORIZE AN AGREEMENT WITH THE 21ST DISTRICT AGRICULTURAL ASSOCIATION IN THE AMOUNT OF \$256,855 TO PROVIDE POLICE SERVICES AT THE 2010 FRESNO DISTRICT FAIR

(1-D) APPROVE THE APPOINTMENT OF JOE GRAY TO THE FIRE AND POLICE RETIREMENT BOARD – MAYOR’S OFFICE

(1-E) RESOLUTION NO. 2010-171 - 492ND AMENDMENT TO MFS RES. 80-420 ADDING A FINE ASSOCIATED WITH IMPLEMENTATION OF ORDINANCE NO. 2010-21 REGARDING PARKING OF SEMI TRUCKS AND TRAILERS

(1-F) RESOLUTION NO. 2010-172 - 21ST AMENDMENT TO AAR 2010-138 APPROPRIATING \$86,700 FROM THE RISK REIMBURSEMENT FUND TO PUBLIC WORKS/STREET MAINTENANCE/STREETLIGHT SECTION TO REPLACE COPPER WIRE STOLEN FROM CITY STREETLIGHTS

(1-G) AWARD A 3-YEAR REQUIREMENTS CONTRACT, WITH ONE POSSIBLE 3-YEAR EXTENSION, TO G & K SERVICES, INC., IN THE AMOUNT OF \$157,033.35 TO PROVIDE UNIFORMS AND LAUNDRY SERVICE TO SUPERVISORY AND NON-SUPERVISORY PERSONNEL

(1-I) APPROVE THE PARTIAL ACQUISITION OF AN EASEMENT FROM PROPERTY OWNER PRIME PROPERTIES FOR THE APPRAISED VALUE OF \$26,100 FOR THE PEACH AVENUE WIDENING PROJECT FROM BELMONT TO KINGS CANYON ROAD, AND AUTHORIZE THE PUBLIC WORKS DIRECTOR OR DESIGNEE TO SIGN ALL NECESSARY DOCUMENTS TO COMPLETE THE TRANSACTION

(1-J) APPROVE ONE FULL ACQUISITION FROM PROPERTY OWNERS ISMAEL AND NORMA ORTIZ FOR THE PEACH AVENUE WIDENING PROJECT BETWEEN BELMONT AND KINGS CANYON ROAD, AND AUTHORIZE THE PUBLIC WORKS DIRECTOR OR DESIGNEE TO ACCEPT THE GRANT DEED AND EXECUTE THE AGREEMENT FOR PURCHASE AND SALE OF REAL PROPERTY AND COMPLETE THE TRANSACTION

(1-K) ADOPT A CEQA CATEGORICAL EXEMPTION (EXISTING FACILITIES), AND AUTHORIZE THE FIRST AMENDMENT TO THE FIXED RATE PATRON PARKING AGREEMENT WITH CLUB ONE CASINO, INC., FOR PARKING IN UNDERGROUND GARAGE #8, AT A FIXED RATE OF \$6,000 PER MONTH FOR 100 PARKING SPACES

(1-L) AWARD A REQUIREMENTS CONTRACT TO ZIM INDUSTRIES IN THE AMOUNT OF \$39,492.54 TO PROVIDE COLUMN PIPE AND LINE SHAFT FOR THE MAINTENANCE AND REPAIR OF CITY PRODUCTION WELLS, AND AUTHORIZE THE PUBLIC UTILITIES DIRECTOR TO EXECUTE THE ONE-YEAR CONTRACT WITH PROVISIONS FOR TWO ONE-YEAR EXTENSIONS

(1-M) RESCIND A CONTRACT IN THE AMOUNT OF \$659,240 WITH ELKINS ELECTRIC COMPANY DUE TO NON-COMPLIANCE, AND AWARD A CONTRACT TO FORTUNE-RATLIFF GENERAL CONTRACTORS, INC., IN THE AMOUNT OF \$700,000 FOR THE SWITCHGEAR REPLACEMENT AND NEW BUILDING AT THE FRESNO/CLOVIS REGIONAL WASTEWATER RECLAMATION FACILITY

(1-N) RESOLUTION NO. 2010-173 - APPROVING THE FINAL MAP OF TRACT NO. 5956 AND ACCEPTING THE DEDICATED PUBLIC USES THEREIN, SOUTH CORNER OF AMADOR AND FULTON STREETS. AND AUTHORIZING EXECUTION OF NECESSARY DOCUMENTS

(1-O) AUTHORIZE THE PARCS DIRECTOR TO EXECUTE A RENEWAL AGREEMENT FOR SITE MANAGEMENT OF THE SENIOR HOT MEALS PROGRAM WITH THE FRESNO-MADERA AREA AGENCY ON AGING (FMAAA) FOR FY 2011

(1-P) APPROVE A LEAGUE REGISTRATION AGREEMENT WITH THE NATIONAL FOOTBALL LEAGUE (NFL) TO PROVIDE A FLAG FOOTBALL PROGRAM AT SEVERAL NEIGHBORHOOD CENTERS

#1 RESOLUTION NO. 2010-174 - 19TH AMENDMENT TO AAR 2010-138 APPROPRIATING \$7,500 IN THE PARCS DEPARTMENT TO OPERATE THE NFL-SANCTIONED FLAG FOOTBALL PROGRAM

(1-Q) RESOLUTION NO. 2010-175 - 20TH AMENDMENT TO AAR 2010-138 APPROPRIATING \$14,700 IN THE PARCS DEPARTMENT FROM ENTRY FEES, SPONSORSHIPS AND VENDOR FEES RECEIVED TO DATE FOR THE CENTRAL VALLEY RIB COOK-OFF EVENT TO BE HELD AT EATON PLAZA AUGUST 19TH THROUGH 22ND, 2010

On motion of Councilmember Dages, seconded by Acting President Brand, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes : Borgeas, Brand, Dages, Perea, Sterling, Xiong, Westerlund
Noes : None
Absent : None

CONTESTED CONSENT CALENDAR ITEMS:

(1-C) RESOLUTION NO. 2010-176 - 17TH AMENDMENT TO AAR 2010-138 APPROPRIATING \$530,200 OF PROGRAM INCOME GENERATED FROM THE NEIGHBORHOOD STABILIZATION PROGRAM (NSP)

#1. AUTHORIZE THE CITY MANAGER TO SIGN ALL IMPLEMENTING DOCUMENTS

Acting President Brand noted he was involved initially in the NSP program and stated a lot of progress had been made and upon his request for an update on the program Budget Director Smith confirmed a lot of progress had been made, noted Page 2 of the staff report provided a good summary of where the City was in meeting HUD regulations and guidelines, and gave a brief status report. Acting President Brand concurred the program had a rocky start but stated the Housing Authority came through and commended all the partners for all their work, and thanked staff for their work behind the scenes and added hopefully a lot was learned and if there is an NSP 3 the City will be much more successful. Acting President Brand made a motion to adopt the resolution, which motion was seconded by Councilmember Dages. Ms. Smith and Management Analyst Smith responded to questions of Councilmember Xiong and President Westerlund relative to HUD rules and regulations, adequate staffing/staff workload, when a decision will be made on NSP 3, **(2 – 0)** amount of funds expended and available, timeline to spend the funds, what makes up the \$530,000/if the amount is proceeds from the sale of homes, reimbursement amount to the RDA, and the RDA's line of credit.

On motion of Acting President Brand, seconded by Councilmember Dages, duly carried, RESOLVED, the above entitled Resolution No. 2010-176 hereby adopted, the City Manager authorized to sign all implementing documents, and staff authorized to increase the NSP sub-recipient contract of the Redevelopment Agency by \$456,000 to reimburse the Agency for costs associated with acquiring properties for the NSP, by the following vote:

Ayes : Borgeas, Brand, Dages, Perea, Sterling, Xiong, Westerlund
Noes : None
Absent : None

(1-H) RESOLUTION NO. 2010-177 - AUTHORIZING (1) THE SUBMISSION OF APPLICATIONS FOR AND ACCEPTANCE OF GRANT FUNDS FROM THE U.S. DEPARTMENT OF TRANSPORTATION TIGER II PLANNING GRANT PROGRAM, AND (2) EXECUTION OF DOCUMENTS (PLANNING ACTIVITIES RELATED TO THE FRESNO HIGH SPEED RAIL MULTI-MODAL STATION VISION)

Upon questions of President Westerlund Grant Writer Gonzalez and Facilities Major Projects Manager Riddle clarified this application was for a planning grant which was completely independent of construction of the line or station, the high speed rail authority did provide a letter of commitment for the local match requirement, and other high speed rail work was currently being done by existing staffing and there was no plan to bring on additional staff. Councilmember Xiong commented briefly on the issue and this action being related only to very preliminary work.

On motion of President Westerlund, seconded by Councilmember Sterling, duly carried, RESOLVED, the above entitled Resolution No. 2010-177 hereby adopted, by the following vote:

Ayes : Borgeas, Brand, Dages, Perea, Sterling, Xiong, Westerlund
Noes : None
Absent : None

CLOSED SESSION:

(‘A’) CONFERENCE WITH LEGAL COUNSEL/EXISTING LITIGATION – CASE NAME: RICHARD GONZALEZ V. COF

(‘B’) CONFERENCE WITH LEGAL COUNSEL/ANTICIPATED LITIGATION – CASE NAME: TERRY TUELL V. COF

(‘C’) CONFERENCE WITH LABOR NEGOTIATOR – EMPLOYEE ORGANIZATION: FRESNO AIRPORT PUBLIC SAFETY SUPERVISORS (FAPSS)

The City Council met in closed session in Room 2125 at the hour of 9:30 a.m. to consider the above matters and reconvened in open session at 10:17 a.m.

10:00 A.M.) HEARING ON TEXT AMENDMENT APPLICATION NO. TA-10-001 AMENDING SECTIONS OF THE FMC ZONING ORDINANCE RELATED TO PERMITTED LAND USES AND PROPERTY DEVELOPMENT STANDARDS FOR THE ‘C-4’ CENTRAL TRADING DISTRICT AND ‘CC’ CIVIC CENTER ZONE DISTRICT (ALL PROPERTY AFFECTED IS LOCATED WITHIN THE BOUNDARIES OF THE CENTRAL AREA COMMUNITY PLAN)

#1 APPROVE AN ENVIRONMENTAL FINDING OF CONFORMITY WITH THE GENERAL PLAN MEIR AND AIR QUALITY MND FOR E.A. NO. EA-10-001, DATED 6/18/10

#2 BILL NO. B-34 - REPEALING, ADDING AND AMENDING VARIOUS SECTIONS OF THE FRESNO MUNICIPAL CODE RELATING TO PERMITTED LAND USES AND PROPERTY DEVELOPMENT STANDARDS IN THE ‘C-4’ AND ‘CC’ ZONE DSITRICTS

President Westerlund announced the time had arrived to consider the issue and opened the hearing.

Planning Manager Fabino gave a PowerPoint presentation on the issue which consisted of Application Overview, Aerial Photo of the Project Area, Zone District Designations within Project Area, Policy Development, Consultation/Community Outreach, and Expansion of Allowable By-Right Land Uses.

INTRODUCTION OF ARMENIA DELEGATION

At this point proceedings were interrupted and Councilmember Borgeas recognized and introduced members of the visiting Sister City delegation from Armenia.

Mr. Fabino continued his presentation with a Review of Land Uses Requiring a CUP, Review of Property Development Standards, Review of Design Guidelines, Planning Commission and Airport Land Use Commission Recommendations to Approve, Public Noticing, Conclusions, and Staff Recommendation to Approve.

Speaking in support of the issue were Jan Minami with the Downtown Association, and Jeff Roberts with Granville Homes.

Upon call, no one else wished to be heard and President Westerlund closed the public hearing. A motion and second was made to approve staff’s recommendation.

DARM Director Dugan, DCR Director Scharton, ACM Rudd and Mr. Fabino responded to questions and/or comments of President Westerlund and Acting President Brand relative to how this text amendment relates to the specific planning initiatives, if DCR Director Scharton reviewed the guidelines/was supportive, if the Redevelopment Agency was supportive, why the boundary went only to Ventura and not all the way to Freeway 41, height limitations, parking and shading requirements, adequacy of parking, if this pertained to downtown only, antiquated codes, if the problems trying to be resolved here are problems that exist city wide, if this will be extended city-wide, parking vacancy issue, end result/impact of this amendment (**3 – 0**), and development, the market and lenders.

On motion of Councilmember Dages, seconded by Acting President Brand, duly carried, RESOLVED, the above entitled Bill No. B-34 introduced before the City Council and laid over, by the following vote:

Ayes	:	Borgeas, Brand, Dages, Perea, Sterling, Xiong, Westerlund
Noes	:	None
Absent	:	None

(10:30 A.M.) HEARING ON COMMUNITY FACILITIES DISTRICT NO. 11, ANNEXATION NO. 40, TRACT NO. 5966, NORTHWEST CORNER OF INTERNATIONAL AND CHESTNUT AVENUES
#1 RESOLUTION NO. 2010-178 - ANNEXING TERRITORY AND AUTHORIZING THE LEVY OF A SPECIAL TAX
#2 RESOLUTION NO. 2010-179 - CALLING A SPECIAL MAILED-BALLOT ELECTION
#3 RESOLUTION NO. 2010-180 - DECLARING ELECTION RESULTS
#4 BILL NO. B-35 - ORDINANCE NO. 2010-36 - LEVYING A SPECIAL TAX FOR PROPERTY TAX YEAR 2010-11 AND FUTURE TAX YEARS

President Westerlund announced the time had arrived to consider the issue and opened the hearing. City Traffic Engineer Jones gave a brief overview and recommended approval, all as contained in the staff report as submitted. Councilmember Borgeas left the meeting briefly at 10:55 a.m.

Rick Haymon with Bonadelle Homes requested Council's support so they could move forward.

Upon call, no one else wished to be heard and President Westerlund closed the public hearing.

On motion of Acting President Brand, seconded by Councilmember Xiong, duly carried, RESOLVED, the above entitled Resolution Nos. 2010-178, 2010-179 and 2010-180 hereby adopted, and the above entitled Bill No. B-35 introduced and adopted as Ordinance No. 2010-36, by the following vote:

Ayes	:	Brand, Dages, Perea, Sterling, Xiong, Westerlund
Noes	:	None
Absent	:	Borgeas

(11:00 A.M.) COUNCIL COMMUNICATIONS AND ASSIGNMENTS

#1 COUNCIL OF GOVERNMENTS (COG) - SWEARENGIN, XIONG-EX-OFFICIO/ALTERNATE
COUNCIL SUB-COMMITTEE TASK FORCE FOR WATER (WATER TASK FORCE) - BORGEAS, BRAND, STERLING
FINANCIAL AUDIT COMMITTEE - BORGEAS, BRAND, XIONG
FRESNO AREA WORKFORCE INVESTMENT CORPORATION - WESTERLUND
FRESNO COUNTY COUNCIL OF GOVERNMENT'S RAIL CONSOLIDATION COMMITTEE - XIONG
FRESNO COUNTY TRANSPORTATION AUTHORITY - SWEARENGIN, BORGEAS
FRESNO REGIONAL WORKFORCE INVESTMENT BOARD - WESTERLUND
FRESNO COUNTY ZOO AUTHORITY - SWEARENGIN, WESTERLUND-ALTERNATE
FRESNO-MADERA AREA AGENCY ON AGING BOARD - STERLING
JOINT POWERS FINANCING AUTHORITY - WESTERLUND
LEADERSHIP COUNCIL ON ENDING HOMELESSNESS – BRAND, STERLING, SWEARENGIN
PUBLIC SAFETY JOINT POWERS AUTHORITY - SWEARENGIN, WESTERLUND
SAN JOAQUIN RIVER CONSERVANCY BOARD - SWEARENGIN, BRAND-ALTERNATE
THE ASSOCIATION FOR THE BEAUTIFICATION OF HIGHWAY 99 - STERLING
UPPER KINGS BASIN INTEGRATED REGIONAL WATER MANAGEMENT JPA - BORGEAS
PENSION REFORM TASK FORCE - BORGEAS, BRAND, XIONG

#2 ECONOMIC DEVELOPMENT CORPORATION SERVING FRESNO COUNTY – BORGEAS, EX-OFFICIO
FRESNO CITY & COUNTY CONVENTION & VISITORS BUREAU – SWEARENGIN, STERLING
LEAGUE OF CALIFORNIA CITIES (ANNUAL MEETING) – SWEARENGIN, BORGEAS-ALTERNATE

#3 CITY COUNCIL APPOINTMENTS, REAPPOINTMENTS, REMOVALS TO/FROM CITY AND NON-CITY BOARDS AND COMMISSIONS

President Westerlund stated the WIB would be meeting this afternoon and he was planning to attend; reiterated the Zoo Authority was working on the new seal exhibit with Measure Z funds; stated there was nothing to report on the JPFA; and relative to the Public Safety JPA advised Fresno County was questioning whether or not to keep the PSJPA in existence and stated he felt the City and County were nowhere near what was intended in potential consolidation of services and explained. Acting President Brand

stated he felt the PSJPA had been a waste of time citing the lack of cooperation adding this was a complicated issue and might take a ballot measure as some have suggested. President Westerlund stated another joint session may be in order to follow up on the Chamber's study and whether any progress has been made. Councilmember Borgeas returned to the meeting at 11:03 a.m. during discussion.

Upon the request of Councilmember Xiong ACM Rudd spoke to COG activities and gave a brief update on the amendment to the Measure C expenditure plan (high speed rail facility) stating it went to the Transportation Authority and was moving forward. Relative to the Financial Audit Committee Councilmember Xiong stated he and Councilmember Borgeas met with the auditor on the scope of work and they hoped to have a formal report to council soon; and advised the Rail Consolidation Committee had not met.

Councilmember Borgeas spoke to the public safety consolidation issue, the mailers that went out targeting the mayor and others, and the issue and challenge of jurisdictional authorities that are not in the city's favor and explained, and stated he wanted to be included in any discussions on consolidation. Relative to the Financial Audit Committee questioned if there had been any communication between the auditor and staff on the scope of inquiry stating three very specific inquiries were made that the committee believed should be conducted, with City Manager Scott responding and stating that might be a separate task from the annual CAFR. Relative to the FCTA Councilmember Borgeas advised he received informative literature at the meeting on the high speed facility Measure C amendment; advised the EDC met yesterday and they took a supportive position on Measure Q, the school bond; and noted an item would be acted upon later relative to City Manager Scott attending the LCC meeting as a voting member. Acting President Brand followed up on the audit issue and presented questions relative to the inquiries that were made, areas that could be looked into, and if the committee felt the auditor was not covering the full scope of city operations, with Councilmember Borgeas and Mr. Scott responding.

As a water task force member Councilmember Sterling reported she attended the Unitarian Church's water series movies; advised the Association for the Beautification of Highway 99 would be meeting this month; and noted the initial First Steps Home kickoff occurred and the Leadership Council on Homelessness met with the public and involved agencies on the progress/status of various endeavors and activities. There was no further discussion.

RECESS – 11:18 A.M. – 1:34 P.M.

(1:30 P.M.) HEARING TO CONSIDER APPEAL FILED BY THE SUNNYSIDE PROPERTY OWNERS ASSOCIATION ON THE ACTION OF THE DARM DIRECTOR AND PLANNING COMMISSION APPROVING THE ENVIRONMENTAL FINDING OF A CATEGORICAL EXEMPTION FOR E.A. NO. C-09-058 RELATED TO CONDITIONAL USE PERMIT (CUP) NO. C-09-058 APPROVING THE CONSTRUCTION AND OPERATION OF AN 80-FOOT CELL TOWER AND RELATED EQUIPMENT AT PUMP STATION NO. 153 LOCATED AT 5339 E. BUTLER AVENUE
#1 APPROVE THE ENVIRONMENTAL DETERMINATION RESULTING IN THE ISSUANCE OF A CEQA CATEGORICAL EXEMPTION

Planning Manager Fabino gave a PowerPoint presentation on the issue which consisted Hearing Scope, Purpose/CEQA Analysis, CUP No. C-09-058, Aerial Photographs of the Project Area and Surrounding Area, Photo of a Mono-Pine Cell Tower, Views of the Site from Different Locations, Procedural Actions, CEQA Determination, CEQA Sections/Classifications, Further Consideration of Exemptions, Additional Concerns of the Appellant **(4 – 0)**, Emails and Phone Calls Received Since Public Noticing, and Staff Recommendation.

Speaking in opposition to the cell tower were: Tom Lang, 5541 Columbia Drive N.; Sally Caglia, 5246 E. Townsend; Sue Williams, who also submitted a petition containing over 150 signatures of neighbors opposing the tower, a Google map with alternate locations, and emails from schools/businesses in the area in support of the tower; Karen Musson, 5640 Columbia Drive N., who also submitted a letter from Peter J. Klassen, PhD, relative to his belief that the cell tower will have a significant impact on the scenic drive and surrounding historic areas; and Allison Rodriguez, 2281 Tulare Street, on behalf of Supervisors Perea and Poochigian.

Nick Kovac, 1931 S. Minnewawa, spoke in support of, and to the need for, the cell tower in the area. Billie Jean Houston, 2090 S. Minnewawa, and Attorney Richard Harriman, 4321 N. West #105, both spoke in opposition, with Mr. Harriman expanding further on the appeal and submitting his comments in writing. Lana Shearer, 2009 V Street, Sacramento, CA, representing Verizon Wireless, and Paul Albritton, outside counsel for Verizon Wireless, San Francisco, CA, both expanded further on the project and addressed related issues and concerns.

Upon call, no one else wished to be heard and President Westerlund closed the public hearing.

Councilmember Dages thanked Ms. Williams for calling to meet with him on this issue and added he had only one other contact and did speak with Verizon by telephone; stated he wished he would have been invited to meetings between Verizon and the Sunnyside Property Owners Association (SPOA), with Ms. Shearer responding and clarifying the meeting occurred early on in the process; and stated he appreciated the petition and emails received and upon his question for clarification purposes City Attorney Sanchez explained what was at issue this date and the findings to be made, all as contained in the staff report as submitted.

Mr. Sanchez, Mr. Albritton and Ms. Shearer responded to questions of Acting President Brand stating it was not a conflict for the city's historic preservation specialist to make a legal opinion on the historic quality or CEQA exemption, the reasons this was the preferred location was amount of coverage and capacity the site will achieve/it was in an existing utility location used by the City/it was the least intrusive, **(5 – 0)** a move north would impact the network and the area intending to be covered, a shorter tower would require multiple sites, and explained site selection criteria and process. Acting President Brand stated he felt there was some compelling evidence to support the historic/scenic claims but added there was a dilemma here due to the need for technology.

President Westerlund stated he appreciated the input of all and added he also appreciated what the Sunnyside area had to offer as he grew up there and continues to visit it often, clarified at issue was determining whether a categorical exemption was sufficient given the circumstances laid out, stated it was his opinion Mr. Klassen did not qualify as a historical expert for preservation purposes, and stated after reviewing material submitted and hearing all testimony he believed there would be no significant impact on the environment and explained, and made a motion to deny the appeal. With the public hearing closed and a motion made Mr. Sanchez recommended the matter be continued one week so staff could prepare and return with a resolution of findings for final action, and further added if there was some question about upholding the appeal requested council complete deliberations so staff can have some sense of that. Councilmember Borgeas seconded the motion to deny for discussion purposes.

An unidentified audience member and Ms. Shearer clarified issues raised by Councilmember Sterling relative to the map of alternative locations that was submitted and community meetings held without Councilmember Dages. Councilmember Sterling spoke to the importance of including council representatives in meetings and upon her question Councilmember Dages stated he questioned if anything would even change with a one week delay to meet with Verizon and neighbors and added this project had already been delayed/continued five times for various reasons, acknowledged his disappointment that meetings were held without him, stated this was almost too little too late and concerns should have been brought up a year ago, and agreed there were two sides here and stated he was torn between being business friendly and supporting his constituents.

Councilmember Borgeas stated he had a sensitivity for people who live in the area citing a past incident in his district, stated he felt one more meeting with all parties to explore mitigation measures would be beneficial, and made a motion to continue this matter one week to engage the community. Upon question of Councilmember Borgeas, President Westerlund stated he was not supportive of a delay and added council was here to make a determination on whether or not there was a categorical exemption, the planning commission already approved the permit, he did not think a delay would get the parties any closer, and he preferred to make the findings orally this date for a conclusion instead of next week. Councilmember Borgeas reiterated his motion to continue with the hope that the parties will reach some understanding, which motion was seconded by Councilmember Dages.

Councilmember Perea stated he also was not sure a delay would help and felt council would be facing the same circumstances/questions next week, and upon his question Mr. Sanchez explained the next steps if council were to uphold the appeal. Mr. Albritton spoke to timing issues, to the FCC "shot clock" law which requires local jurisdictions to make a decision within 150 days of completed applications, to this being a two year old process, and to the impacts of a delay. Councilmember Perea urged council to make a decision this date for finality for both parties, with Councilmember Xiong and Acting President Brand concurring and commenting briefly. Councilmember Dages withdrew his second to the motion to continue and stated he would support the neighbors, and Councilmember Borgeas withdrew the motion.

On motion of President Westerlund, seconded by Councilmember Borgeas, duly carried, RESOLVED, the appeal filed by the SPOA hereby denied and staff to return in one week with a Resolution of findings for final action, by the following vote:

Ayes	:	Borgeas, Brand, Perea, Xiong, Westerlund
Noes	:	Dages, Sterling
Absent	:	None

(*NOTE - Towards the end of the meeting the time for consideration was set at 1:30 p.m. on August 26th)

(1:45 P.M.) WORKSHOP ON STATUS OF A PROPOSED GENERAL PLAN AMENDMENT TO THE AIRPORT AND ENVIRONS PLAN FOR FRESNO YOSEMITE INTERNATIONAL AIRPORT (FYI)

Airports Planning Manager Meikle gave a PowerPoint presentation which consisted of Workshop Goals, FAA Driven Updates, Major Projects through 2025 **(6 – 0)**, Noise Contour Boundary, Safety Compatibility Zone Boundary, Proposed Plan Updates, Fresno County Airport Land Use Commission-Initiated Update Process, and Summary of Plan Changes. Staff was thanked for the presentation and there was no discussion.

Acting President Brand briefly left the meeting at 3:39 p.m.

(2:30 P.M. “A”) DESIGNATION OF CITY MANAGER MARK SCOTT AS VOTING DELEGATE FOR THE LEAGUE OF CALIFORNIA (LCC) CITIES ANNUAL BUSINESS MEETING ON SEPTEMBER 17, 2010

On motion of Councilmember Sterling, seconded by Councilmember Borgeas, duly carried, RESOLVED, Mark Scott designated as the City’s Voting Delegate for the upcoming League of California Cities Annual Conference, by the following vote:

Ayes	:	Borgeas, Dages, Perea, Sterling, Xiong, Westerlund
Noes	:	None
Absent	:	Brand

(2:30 P.M. “B”) RESOLUTION NO. 2010-181 - SUPPORTING THE CITY’S PARTICIPATION IN THE SMART VALLEY PLACES PROGRAM AND SUBMITTAL OF AN APPLICATION BY THE CALIFORNIA PARTNERSHIP FOR THE SAN JOAQUIN VALLEY AS LEAD AGENCY, AND THE CALIFORNIA STATE UNIVERSITY FRESNO FOUNDATION AS THE FISCAL AGENT, FOR \$5 MILLION IN SUSTAINABLE COMMUNITIES INITIATIVE GRANT FUNDS ADMINISTERED BY HUD

City Manager Scott reviewed the issue, all as contained in the staff report as submitted. Acting President Brand returned to the meeting at 3:42 p.m.

Gloria Hernandez, 3232 E. Hedges, commented on the issue stating \$5 million was a lot of money to hand over to a foundation, with Mr. Scott clarifying the foundation would handle the fiscal reporting and the actual allocation of funds had to be for planning purposes and not for speakers.

On motion of Councilmember Sterling, seconded by Acting President Brand, duly carried, RESOLVED, the above entitled Resolution No. 2010-181 hereby adopted, by the following vote:

Ayes	:	Borgeas, Brand, Dages, Perea, Sterling, Xiong, Westerlund
Noes	:	None
Absent	:	None

(2:30 P.M. “C”) APPROVE THE NO COST EXTENSION OF CONTRACT EXPIRATION DATES FOR AECOM (FORMERLY EDAW), AND AECOM AMENDMENT 1 PROFESSIONAL SERVICES CONTRACTS

DARM Director Dugan reviewed the issue, all as contained in the staff report as submitted.

Councilmember Borgeas noted the last time this was before council a workshop was requested to get information and made a motion to table this matter until a workshop is held to get a full understanding of SEGA.

On motion of Councilmember Borgeas, seconded by Councilmember Perea, duly carried, RESOLVED, the above entitled Item 2:30 p.m. “C” hereby tabled pending a workshop on SEGA, by the following vote:

Ayes : Borgeas, Brand, Dages, Perea, Sterling, Xiong
Noes : Westerlund
Absent : None

(2:30 P.M. "D") APPROVE THE NO COST EXTENSION OF CONTRACT EXPIRATION DATE FOR VRPA TECHNOLOGIES PROFESSIONAL SERVICES CONTRACT TO SEPTEMBER 30, 2011

DARM Director Dugan reviewed the issue, all as contained in the staff report as submitted.

On motion of Councilmember Sterling, seconded by Acting President Brand, duly carried, RESOLVED, the no cost extension of contract expiration dates for VRPA Technologies to September 30, 2011, hereby approved, by the following vote:

Ayes : Borgeas, Brand, Dages, Perea, Sterling, Xiong, Westerlund
Noes : None
Absent : None

(2:30 P.M. "E") AUTHORIZE THE DARM DIRECTOR TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH DYETT & BHATIA URBAN AND REGIONAL PLANNERS IN AN AMOUNT NOT TO EXCEED \$450,000 UTILIZING ARRA FUNDING FROM THE U.S. DEPARTMENT OF ENERGY, ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT (EECBG) FUNDS, TO ASSIST WITH THE PREPARATION OF THE FRESNO COMPREHENSIVE DEVELOPMENT CODE AND GENERAL PLAN UPATE

DARM Director Dugan gave a brief overview of the issue, all as contained in the staff report as submitted, along with a PowerPoint presentation which consisted of Why Update the General Plan? and Two Phased Approach. Assistant DARM Director Berghthold clarified the funds were available but they had not yet gone through a budget review and AAR.

Speaking to the issue were: Jeff Roberts with Granville Homes who stated he was curious about the scope of work provided to the consultant and how the price was arrived at; and Gloria Hernandez who questioned if public hearings would be held. President Westerlund stated staff would provide Mr. Roberts with the requested information and clarified public hearings would be held.

On motion of Councilmember Sterling, seconded by Councilmember Dages, duly carried, RESOLVED, the DARM Director authorized to enter into a Professional Services Agreement with Dyett & Bhatia Urban and Regional Planners as outlined above, by the following vote:

Ayes : Borgeas, Brand, Dages, Perea, Sterling, Xiong, Westerlund
Noes : None
Absent : None

(2:30 P.M. "F") ACTIONS RELATING TO THE CONSTRUCTION OF A THREE (3) MILLION GALLON WATER STORAGE TANK AND PACKAGE SURFACE WATER TREATMENT FACILITY PROJECT IN SOUTHEAST FRESNO

#1 APPROVE A PROJECT BUDGET ALLOCATION INCREASE OF \$13,527,590 TO THE ORIGINAL BUDGET ALLOCATION OF \$6,190,000 FOR A TOTAL REVISED ALLOCATION OF \$19,717,590 AS REQUIRED THROUGH THE EXISTING REIMBURSEMENT AGREEMENT BETWEEN LENNAR FRESNO INCORPORATED AND THE CITY OF FRESNO FOR CONSTRUCTION OF THE PROJECT

#2 RESOLUTION NO. 2010-182 - 14TH AMENDMENT TO AAR 2010-138 APPROPRIATING \$11,904,500 IN THE 2010 WATER BONDS A-1 FUND ALLOCATED FOR THE PROJECT

Assistant Public Utilities Director Martin gave an in-depth review of the issue, all as contained in the staff report as submitted, and responded to questions of President Westerlund and Councilmember Dages relative to how firm the analysis was on the cost to shift from groundwater, cost to go to surface water treatment, treatment facilities, bond repayment, and if the recharge basin on Chestnut will be needed.

On motion of President Westerlund, seconded by Councilmember Dages, duly carried, RESOLVED, the project budget allocation increase of \$13,527,590 for construction of a three million gallon water storage tank and package surface water treatment facility project in southeast Fresno hereby approved as outlined above, and the above entitled Resolution No. 2010-182 hereby adopted, by the following vote:

Ayes : Borgeas, Brand, Dages, Perea, Sterling, Xiong, Westerlund
Noes : None
Absent : None

(1:30 P.M.) HEARING TO CONSIDER APPEAL FILED BY THE SUNNYSIDE PROPERTY OWNERS ASSOCIATION ON THE ACTION OF THE DARM DIRECTOR AND PLANNING COMMISSION APPROVING THE ENVIRONMENTAL FINDING OF A CATEGORICAL EXEMPTION FOR E.A. NO. C-09-058 RELATED TO CONDITIONAL USE PERMIT (CUP) NO. C-09-058 APPROVING THE CONSTRUCTION AND OPERATION OF AN 80-FOOT CELL TOWER AND RELATED EQUIPMENT AT PUMP STATION NO. 153 LOCATED AT 5339 E. BUTLER AVENUE – CONTINUED FROM EARLIER IN THE MEETING

Pursuant to earlier action scheduling adoption of a resolution of findings for August 26th the time was set for 1:30 p.m.

UNSCHEDULED ORAL COMMUNICATIONS:

Adriana Becerra, 751 N. Abby (**7 – 0**); Ernesto Saavedra, 3938 N. Hughes; Ashley Fairburn, 622 E. Franklin; Josh Cranston, 933 F Street; Patrick Sigala, 1917 S. Chestnut; Gloria Hernandez, 3232 E. Hedges; Mauro Carrera, 2581 S. Ninth Street, representing the community/Fresno State group MECHA; Juan Avitia, 1619 Fifth Street; and Veronica Chavez, 556 E. Yale, spoke to/in support of the mission of the Brown Berets, to police brutality/excessive force, and/or in support of a campaign to “Fire Fresno Police Chief Jerry Dyer”. Mr. Saavedra submitted a petition into the record containing signatures in support of the campaign and making policing recommendations, Mr. Cranston read the names of persons killed by police, and Ms. Hernandez submitted the list of names (“Stolen Lives of Fresno”) into the record. President Westerlund stated he respected everyone’s opinion and speaking as a former prosecutor stated Chief Dyer was doing a fabulous job, he was working very hard for the community, and he supported him 100%.

ADJOURNMENT

There being no further business to bring before the City Council, the hour of 4:44 p.m. having arrived and hearing no objection, President Westerlund declared the meeting adjourned.

Approved on the ____26th____ day of _____August_____, 2010.

_____/s/_____
Larry Westerlund, Council President

ATTEST: _____/s/_____
Yolanda Salazar, Assistant City Clerk